



ZD1 Zoning Diagram  
Must be typewritten.

☒ Orient and affix BIS  
job number label here ☒

Submitted to resolve objections stated in a  
notice of intent to revoke issued pursuant to  
rule 101-15.

☐ Yes ☐ No

Location Information

House No(s) \_\_\_\_\_  
Street Name \_\_\_\_\_  
  
Borough \_\_\_\_\_  
Block \_\_\_\_\_  
Lot \_\_\_\_\_  
BIN \_\_\_\_\_

Falsification of any statement is a misdemeanor  
and is punishable by a fine or imprisonment, or  
both. It is unlawful to give to a city employee, or  
for a city employee to accept, any benefit,  
monetary or otherwise, either as a gratuity for  
properly performing the job or in exchange for  
imprisonment or fine or both. I understand that if  
I am found after hearing to have knowingly or  
negligently falsified or allowed to be falsified any  
certificate, form, signed statement, application,  
report or certification of the correction of a viola-  
tion required under the provisions of this code or  
of a rule of any agency, I may be barred from  
filing further applications or documents with the  
Department.

Name (please print) \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_



P.E. / R.A. Seal (attach seal, name and date over  
seal)

Internal Use Only

BIS Doc # \_\_\_\_\_

PLAN EXAMINER SIGN AND DATE

ZONING OVERRIDE LETTER

B3 IS EXEMPT FROM ZONING APPROVALS AS PER THE LETTER BELOW. DESIGN GUIDELINE COMPLIANCE  
JANUARY 13, 2012 SUBMISSION IS IN REVIEW WITH THE ECONOMIC DEVELOPMENT CORPORATION



April 13, 2015

Ira Chackman, Brooklyn Borough Commissioner  
New York City Department of Buildings  
210 Jonathan Street, 9th Floor  
Brooklyn, New York 11201

Re: Atlantic Yards (aka Pacific Park) in Brooklyn  
Building B-3, 38 South Avenue

Dear Commissioner Chackman:

Reference is made to my letter to you of October 7, 2014 which recited that:

1. The Atlantic Yards project is being undertaken by the New York State Urban  
Development Corporation, doing business as Empire State Development ("ESD"), as a Land  
Use Improvement and Civic Project as defined in Sections 203(c) and (d) of the New York  
State Urban Development Corporation Act (the "UDC Act").

2. In connection with the project, ESD adopted a General Project Plan on July 18, 2006,  
which was affirmed as modified on December 8, 2006, which was further affirmed as  
modified on September 17, 2009, and which was amended on June 27, 2014 (collectively,  
the "GPP").

3. ESD has exercised its statutory power to override the Zoning Resolution of The City of  
New York within the project area as set forth in MGPP Section 1, and in line of the Zoning  
Resolution, development within the project area is required to conform to the project's  
Design Guidelines, which are attached to the GPP as Exhibit B (the "Design Guidelines").

This letter is to confirm that:

A. ESD has reviewed the Design Guideline Compliance Submittal, consisting of drawings  
DG-000-BB (Rev. 08/18/10), DG-011-BB, DG-019 (Rev. 02/3), DG-030, DG-031, DG-  
035, DG-036, MGC-000, MGC-001, dated 3/20/2015 and A-100 and A-101, dated  
3/27/2015 prepared by SHoP Architects in connection with the above-referenced building  
(the "DG Compliance Set") and submitted on behalf of the proposed [B-3 tenant]  
("Tenant").

B. ESD approves the DG Compliance Set as consistent with the Design Guidelines.

Empire State Development  
610 Third Avenue, New York, NY 10017  
(212) 904-0000 - [esd@esd.ny.gov](mailto:esd@esd.ny.gov)

Ira Chackman  
April 13, 2015  
Page 2

C. ESD is prepared to approve B-3 Final Construction Documents provided that such  
Documents are consistent with the Design Guidelines, the MGPP, and the DG Compliance  
Set.

Finally, please note:

X. ESD has not reviewed nor made any independent analysis of whether or not the DG  
Compliance Set is in compliance with applicable law and makes no finding of such  
compliance.

Y. Pursuant to the July 15, 1992 Memorandum of Understanding between the New York  
City Department of Buildings ("DOB") and ESD, a copy of which was attached to my October  
7 letter, DOB remains responsible for reviewing project plans and submittals for  
consistency with the New York City Building Code.

If you have any questions, please do not hesitate to contact Barbara Hahn at this office at  
(212) 903-3285 or [barbara.hahn@esd.ny.gov](mailto:barbara.hahn@esd.ny.gov).

Sincerely,

NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
dba EMPIRE STATE DEVELOPMENT CORPORATION

By:   
Barbara Hahn  
Director of Design and Construction

cc:  
Rak D. Chaudhri, P.E., Commissioner  
New York City Department of Buildings  
280 Broadway, 7th Floor  
New York, New York 10007

Jane Marshall  
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Sam Filler  
Barbara Hahn  
Jacqueline Pomeroy (NYC EDC)

Empire State Development  
610 Third Avenue, New York, NY 10017  
(212) 904-0000 - [esd@esd.ny.gov](mailto:esd@esd.ny.gov)

ZONING ANALYSIS

ZONING ANALYSIS

ZONING INFORMATION  
PLEASE NOTE: THIS BUILDING IS EXEMPT FROM COMPLYING WITH THE  
REQUIREMENTS OF THE NEW YORK CITY ZONING RESOLUTION AS PER THE MODIFIED  
GENERAL PROJECT PLAN FOR THE ATLANTIC YARDS LAND USE DEVELOPMENT AND  
CIVIC PROJECT ADAPTED BY THE NEW YORK STATE URBAN DEVELOPMENT  
CORPORATION WHICH PROVIDED A COMPLETE ZONING OVERRIDE. THIS  
INFORMATION IS INCLUDED AT THE REQUEST OF THE DEPARTMENT OF BUILDINGS.

THE "ZONING LOT" USED FOR THIS ANALYSIS IS TAX LOT 3 ON BLOCK 1118.

ADDRESS 461 DEAN STREET (B-3 BUILDING)  
BLOCK 1118 LOT 3  
LOT SIZE 215' X 106.91' (REGULAR) LOT AREA 22,766  
ZONING DISTRICT R6-B & C4-4A MAP 16C  
AREA IN EACH DISTRICT R6-B 10,464 SQUARE FEET  
C4-4A 12,302 SQUARE FEET

ANALYSIS FOR R6-B DISTRICT

PROPOSED USES: RESIDENTIAL UG2, MEDICAL OFFICES UG4 AND  
RETAIL UG6

22-12 USE GROUP 2 RESIDENTIAL APARTMENTS - PERMITTED AS OF RIGHT.  
PROPOSED USE COMPLIES

22-14 USE GROUP 4 COMMUNITY FACILITY (TREATMENT HEALTH CARE FACILITY) -  
PERMITTED AS OF RIGHT BUT LIMITED TO LOCATIONS NOT ABOVE THE  
SECOND FLOOR. PROPOSED FACILITY LOCATED ABOVE 2ND FLOOR. DOES  
NOT COMPLY - SEE ZONING OVERRIDE.

22-10 USE GROUP 6 NOT PERMITTED. DOES NOT COMPLY - SEE ZONING  
OVERRIDE.

23-145 MAXIMUM FLOOR AREA RATIO 2.0  
ALLOWED FLOOR AREA 2.0 X 10,464 = 20,928  
PROPOSED FLOOR AREA 232,088 SF. DOES NOT COMPLY - SEE ZONING  
OVERRIDE.  
MAXIMUM LOT COVERAGE (CORNER LOT) 80 PERCENT  
PROPOSED LOT COVERAGE 85 PERCENT. DOES NOT COMPLY - SEE ZONING  
OVERRIDE.

23-40 YARD REGULATIONS.

23-45 NO FRONT YARD REQUIRED - COMPLIES.

23-46 NO SIDE YARD REQUIRED - COMPLIES.

23-47 NO YARD REQUIRED WITHIN 100 FEET OF CORNER - COMPLIES.  
PORTION OF LOT THAT IS GREATER THAN 100 FEET FROM THE CORNER IS  
OPEN - COMPLIES.

ANALYSIS FOR C4-4A DISTRICT

PROPOSED USES: RESIDENTIAL UG2, MEDICAL OFFICES UG4 AND RETAIL UG6

35-10 RESIDENTIAL USES SUBJECT TO ARTICLE 2 CHAPTER 3, COMMERCIAL OR  
COMMUNITY FACILITY SUBJECT TO ARTICLE 3 CHAPTER 3.

34-00 USE GROUP 2 PERMITTED AS OF RIGHT.

32-13 USE GROUP 4 PERMITTED AS OF RIGHT.

32-15 USE GROUP 6 PERMITTED AS OF RIGHT.

35-23 35-24 SHALL APPLY (AND NOT 23-60 THROUGH 23-66).

32-123 MAXIMUM FLOOR AREA FOR COMMERCIAL/COMMUNITY FACILITY 4.0  
ALLOWABLE COMMERCIAL/COMMUNITY FACILITY FLOOR AREA 12,302 X 4.0  
= 49,208 SQUARE FEET  
PROPOSED 12,898 SF - COMPLIES.

33-25 NO SIDE YARD REQUIRED.

33-26 MINIMUM REQUIRED REAR YARD 20 FEET. PROVIDED 0 FEET. DOES NOT  
COMPLY - SEE ZONING OVERRIDE.

35-24 MAXIMUM BASE HEIGHT 65 FEET. DOES NOT COMPLY - SEE ZONING  
OVERRIDE.  
MAXIMUM BUILDING HEIGHT 80 FEET. DOES NOT COMPLY - SEE ZONING  
OVERRIDE.

36-21 NO PARKING REQUIRED IN C4-4A.

34-112 RESIDENTIAL EQUIVALENT R7A

23-145 MAXIMUM FLOOR AREA RATIO RESIDENTIAL 4.0  
ALLOWABLE FLOOR AREA IS 49,208 SQUARE FEET -  
COMMERCIAL/COMMUNITY FACILITY  
49,208 - 12,898 = 36,310 SQUARE FEET  
PROPOSED RESIDENTIAL 290,035 SF. DOES NOT COMPLY - SEE ZONING  
OVERRIDE.

MAXIMUM LOT COVERAGE 65 PERCENT.  
PROPOSED LOT COVERAGE IN C4-4A 75 PERCENT. DOES NOT COMPLY - SEE  
ZONING OVERRIDE.

23-47 30 FOOT REAR YARD REQUIRED. NONE PROVIDED. DOES NOT COMPLY -  
SEE ZONING OVERRIDE.

23-861 MINIMUM 30 FOOT CLEAR PROVIDED PERPENDICULAR TO ANY WINDOW  
USED TO SATISFY LIGHT AND AIR. 30 FEET IS PROVIDED ON THE BLOCK  
WHICH IS ALL UNDER ESDC JURISDICTION.

ANALYSIS FOR DENSITY & PARKING & BICYCLE PARKING FOR ENTIRE LOT  
(IN THAT THE REQUIREMENTS FOR EACH ARE THE SAME IN EACH  
DISTRICT)

23-22 MAXIMUM NUMBER OF DWELLING UNITS ALLOWED IS ALLOWABLE FLOOR  
AREA DIVIDED BY 680.  
ALLOWABLE RESIDENTIAL - TOTAL LESS COMMERCIAL/COMMUNITY  
FACILITY.

70,136 - 29,575 = 40,561  
ALLOWABLE NUMBER OF UNITS = 40,561 ÷ 680 = 60  
PROPOSED 303. DOES NOT COMPLY - SEE ZONING OVERRIDE.

25-23 PARKING REQUIRED FOR 50 PERCENT OF THE RESIDENCES.  
(R6-B & R7A SAME REQUIREMENTS)

TOTAL NUMBER APARTMENTS 303, REQUIRES 152 PARKING SPACES.

PROPOSED 67 PARKING SPACES. DOES NOT COMPLY - SEE ZONING  
OVERRIDE.

25-811 & 36-711  
DWELLINGS: 1 PER 2 DWELLING UNITS.  
NUMBER OF DWELLING UNITS: 303  
REQUIRED SPACES: 152

COMMUNITY FACILITY / COMMERCIAL: 1 PER 10,000 S.F.  
SQUARE FOOTAGE: 29,575 S.F.  
REQUIRED NUMBER OF SPACES: 3  
TOTAL REQUIRED NUMBER OF SPACES: 155  
PROPOSED NUMBER OF SPACES: 400 COMPLIES

TOTAL BICYCLE PARKING AREA IS GREATER THAN 155 SPACES X 155 S.F. = 2,325 S.F.  
COMPLIES

DESIGN GUIDELINE REQUIREMENTS

USE

DG IV C.V. - B3 USES SHALL BE RESIDENTIAL, RETAIL (WHICH TERM SHALL  
INCLUDE EATING AND DRINKING ESTABLISHMENTS), ARENA SUPPORT,  
HEALTH CLUBS, COMMUNITY FACILITY, BICYCLE PARKING, GARAGE, AND  
PERSONAL SERVICE USES.

B3 COMPLIES

DG IV G.IV - THE FOLLOWING USE RESTRICTIONS SHALL APPLY TO THE  
ARENA BLOCK:

A. THE FOLLOWING USES ARE NOT ALLOWED ON ANY PORTION  
OF THE ARENA  
BLOCK:

1. ANIMAL, HOSPITALS, KENNELS, POUNDS OR  
CREMATORIUMS  
2. AUTOMOTIVE REPAIRS, STORAGE OR SERVICE  
STATIONS

3. WAREHOUSE OR STORAGE, EXCEPT BICYCLE STORAGE  
OTHER THAN WHERE ACCESSORY TO A  
PERMITTED USE

4. WHOLESALE ESTABLISHMENTS  
5. CONTRACTOR SUPPLY OR LUMBERYARDS  
B. NO BANK, LOAN OFFICE, BUSINESS OR PROFESSIONAL  
OFFICE SHALL OCCUPY MORE THAN 50 FEET OF LINEAR FRONTAGE OF  
ANY STREET LINE ADJACENT TO THE BUILDINGS.

B3 USES: RESIDENTIAL, RETAIL, ARENA SUPPORT, BICYCLE PARKING,  
GARAGE

B3 COMPLIES

LOT COVERAGE

DG IV E. - LOT COVERAGE: 100% (EXCLUSIVE OF THE ATLANTIC AVENUE  
SIDEWALK WIDENING, THE FLATBUSH AVENUE SIDEWALK WIDENING AND  
THE PACIFIC STREET TERMINUS AREA DESCRIBED IN CLAUSE (K) BELOW).  
ABOVE THE HEIGHT OF THE ARENA BUILDINGS 1 THROUGH 4 SHALL BE  
SEPARATED BY NOT LESS THAN 60'-0", EXCLUSIVE OF PERMITTED  
OBSTRUCTIONS AND ARCHITECTURAL ELEMENTS THAT DO NOT CONTAIN  
ANY OCCUPABLE SPACE.

18,772 SF B33 COVERAGE / 22,766 SF TOTAL LOT = 82.45%

B3 COMPLIES

DG IV B.V.B. - PRINCIPAL ENTRANCE TO BUILDING 3 SHALL BE LOCATED  
ON 6TH AVENUE OR DEAN STREET.

B3 COMPLIES: PRINCIPAL ENTRANCE IS LOCATED ON 6TH  
AVENUE.

GROSS FLOOR AREA

DG V E.IV - THE MAXIMUM ABOVE GRADE GROSS FLOOR AREA IN BUILDING  
3 SHALL NOT EXCEED 343,632 SF.

PROPOSED: 319,608 SF (EXCLUDES BELOW GRADE LEVELS)  
B3 COMPLIES

ARCHITECTURAL BREAKS AND SETBACKS

DG V E.III A. - THE BUILDING BASE SHALL BE DEFINED BY A HORIZONTAL  
ARCHITECTURAL BREAK ON THE 6TH AVENUE AND DEAN STREET WALLS  
BETWEEN THE MINIMUM AND MAXIMUM BUILDING BASE HEIGHT.

DG V E.III B. - A MINIMUM OF ONE VERTICAL ARCHITECTURAL BREAK  
SHALL BE INCORPORATED INTO THE BUILDING BASE AND UPPER  
PORTION OF BOTH OF THE DEAN STREET AND 6TH AVENUE STREET  
WALLS WITHIN THE VERTICAL ARCHITECTURAL BREAK ZONES SHOWN ON  
THE BUILDING 3 DEVELOPMENT ENVELOPE.

B3 DEAN ST. VERTICAL ARCHITECTURAL BREAK ZONE MINIMUM:  
ALLOWABLE: 40'-0"  
PROPOSED: 85'-0"

B3 6TH AVE. VERTICAL ARCHITECTURAL BREAK ZONE MINIMUM:  
ALLOWABLE: 40'-0"  
PROPOSED FROM NORTH: 80'-0"

B3 COMPLIES

ROOFTOP MECHANICAL EQUIPMENT AND BULKHEADS

DG IV J. - ROOFTOP MECHANICAL EQUIPMENT AND ELEVATOR AND STAIR  
BULKHEADS MAY EXCEED THE MAXIMUM BUILDING HEIGHTS SET FORTH IN  
THESE DESIGN GUIDELINES AS SHOWN ON THE DEVELOPMENT ENVELOPE  
DIAGRAMS, PROVIDED THAT (X) EITHER:

OPTION 1 - (i) THE PRODUCT, IN SQUARE FEET OF THE WIDTH OF ANY  
PORTION OF THE MECHANICAL EQUIPMENT AND BULKHEADS LOCATED  
WITHIN 0 FEET OF THE SURROUNDING STREET LINES AND FACING EACH  
STREET FRONTAGE TIMES THEIR AVERAGE HEIGHT, IN FEET, SHALL NOT  
EXCEED A FIGURE EQUAL TO EIGHT TIMES THE WIDTH, IN FEET, OF THE  
STREET WALL OF THE BUILDING FACING SUCH FRONTAGE

OPTION 2 - (ii) THE LOT COVERAGE OF ALL SUCH EQUIPMENT AND  
STRUCTURES DOES NOT EXCEED 20% OF THE LOT COVERAGE OF THE  
BUILDING

TOTAL LOT COVERAGE X 20% = 3,754 SF  
PROPOSED BULKHEAD = 2,310 SF

THE HEIGHT OF ANY BULKHEADS SHALL NOT EXCEED 40'-0" ABOVE THE  
MAXIMUM BUILDING HEIGHT.

ALLOWABLE: 40'-0" ABOVE MAX BUILDING HEIGHT  
PROPOSED: 24'-0" ABOVE MAX BUILDING HEIGHT

ANY MECHANICAL EQUIPMENT OR BULKHEAD LOCATED ABOVE THE  
MAXIMUM BUILDING HEIGHT SHALL BE SET BACK NOT LESS THAN 10'-0"  
FROM THE BUILDING STREET WALL.

B3 COMPLIES

ENVELOPE GUIDELINES

B3 ENVELOPE MAXIMUM HEIGHT  
ALLOWABLE: 219'-0"  
PROPOSED: 218'-8"

B3 ENVELOPE MAXIMUM BASE HEIGHT  
ALLOWABLE: 150'-0"  
PROPOSED: 127'-5"

B3 ENVELOPE MINIMUM STREET WALL HEIGHT:  
ALLOWABLE: 185'-0"  
PROPOSED: 81'-0"

B3 ENVELOPE DEAN ST. MAXIMUM BASE WIDTH:  
ALLOWABLE: 80'-0"  
PROPOSED: 85'-0"

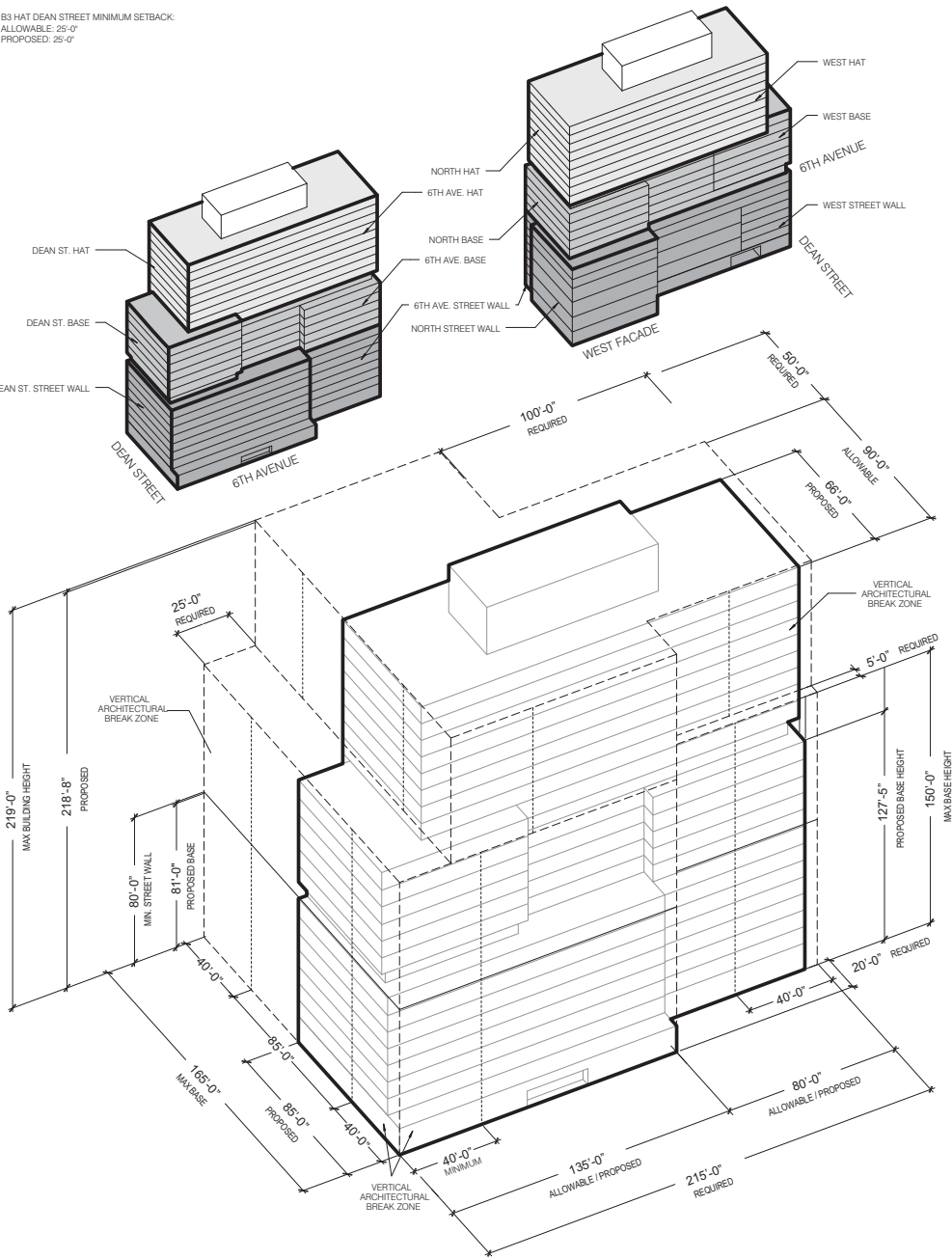
B3 ENVELOPE 6th AVENUE MAXIMUM BASE WIDTH:  
ALLOWABLE: 215'-0"  
PROPOSED: 215'-0"

B3 ENVELOPE UPPER PORTION MAXIMUM WIDTH:  
ALLOWABLE: 190'-0"  
PROPOSED: 186'-0"

B3 HAT MAXIMUM DEPTH:  
ALLOWABLE: 90'-0"  
PROPOSED: 66'-0"

B3 HAT 6TH AVE. MINIMUM SET BACK:  
ALLOWABLE: 5'-0"  
PROPOSED: 5'-0"

B3 HAT DEAN STREET MINIMUM SETBACK:  
ALLOWABLE: 25'-0"  
PROPOSED: 25'-0"



THIS PROJECT IS EXEMPT FROM THE REQUIREMENTS OF THE NYC ZONING RESOLUTION AND MUST COMPLY WITH THE REQUIREMENTS OF THE DESIGN  
GUIDELINES SET FORTH BY THE EMPIRE STATE DEVELOPMENT CORPORATION (ESDC)





April 13, 2015

Ira Gluckman, Brooklyn Borough Commissioner  
New York City Department of Buildings  
210 Joralemon Street, 8th Floor  
Brooklyn, New York 11201

Re: Atlantic Yards (aka Pacific Park) in Brooklyn  
Building B-3, 38 Sixth Avenue

Dear Commissioner Gluckman:

Reference is made to my letter to you of October 7, 2014 which recited that:

1 The Atlantic Yards project is being undertaken by the New York State Urban Development Corporation, doing business as Empire State Development ("ESD"), as a Land Use Improvement and Civic Project as defined in Sections 3(6)(c) and (d) of the New York State Urban Development Corporation Act (the "UDC Act").

2 In connection with the project, ESD adopted a General Project Plan on July 18, 2006, which was affirmed as modified on December 8, 2006, which was further affirmed as modified on September 17, 2009, and which was amended on June 27, 2014 (collectively, the "MGPP").

3 ESD has exercised its statutory power to override the Zoning Resolution of The City of New York within the project area as set forth in MGPP Section J, and in lieu of the Zoning Resolution, development within the project area is required to conform to the project's Design Guidelines, which are attached to the GPP as Exhibit B (the "Design Guidelines").

This letter is to confirm that:

A ESD has reviewed the Design Guideline Compliance Submission, consisting of drawings DG-000.00 thru 003.00, DG-010.00, DG-011.00, DG-020 thru 023, DG-030, DG-031, DG-035, DG-036, MEC-000, MEC-001, dated 3/20/2015 and A-100 and A-101, dated 2/27/2015 prepared by SHoP Architects in connection with the above-referenced building (the "DG Compliance Set") and submitted on behalf of the proposed [B-3 tenant] ("Tenant").

B ESD approves the DG Compliance Set as consistent with the Design Guidelines.

C ESD is prepared to approve B-3 Final Construction Documents provided that such Documents are consistent with the Design Guidelines, the MGPP, and the DG Compliance Set.

Finally, please note:


X ESD has not reviewed nor made any independent analysis of whether or not the DG Compliance Set is in compliance with applicable law and makes no finding of such compliance.

Y Pursuant to the July 15, 1992 Memorandum of Understanding between the New York City Department of Buildings ("DOB") and ESD, a copy of which was attached to my October 7 letter, DOB remains responsible for reviewing project plans and submittals for conformity with the New York City Building Code.

If you have any questions, please do not hesitate to contact Barbara Helm of this office at (212) 803-3285 or [barbara.helm@esd.ny.gov](mailto:barbara.helm@esd.ny.gov).

Sincerely,

NEW YORK STATE URBAN DEVELOPMENT CORPORATION  
dba EMPIRE STATE DEVELOPMENT CORPORATION

By: 

Barbara Lampen  
Director of Design and Construction

cc:

Rick D. Chandler, P.E., Commissioner  
New York City Department of Buildings  
280 Broadway, 7th Floor  
New York, New York 10007

Jane Marshall  
Marion Phillips  
Sam Filler  
Barbara Helm  
Jacqueline Pimentel (NYC HDC)